

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-22, 40-50 and 56-60 are pending after entry of the amendments set forth herein.

Claims 15, 16, 21 and 48 are currently withdrawn from consideration.

Claims 1-14, 17-20, 22, 40-47, 49-50 and 56-60 were examined. Claims 1-14, 17-20, 22, 40-47, 49-50 and 56-60 were rejected.

Applicant respectfully requests reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

Claims Rejected Under 35 U.S.C. Section 101

In the Official Action of March 23, 2009, claims 1-14, 17-20, 22 and 40-43 were rejected under 35 U.S.C. Section 101 as being directed to non-statutory subject matter. The Examiner asserted that the claims were process claims and were not tied to a particular machine or apparatus and did not transform an article to a different state or thing.

Applicants have amended claim 1 above to tie it to a particular machine or apparatus. In particular, the converting of data values of said data items is recited as performed using a visualization system, the displaying c x d graphical representations of the data items in a c x d matrix is recited as being performed on a display of the visualization system, and the calculation of a pseudo-data vector is recited as being performed using a processor of the visualization system. Support for these amendments can be found, for example, at paragraph [0079] and throughout the specification and drawings.

Applicants do not agree that claim 43 was drawn to a process, as claim 43 recites a display, which is clearly a product or apparatus. Nevertheless, claim 43 has been amended similarly to tie the recited method steps to a particular machine or apparatus (visualization system or a component thereof).

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-14, 17-20, 22 and 40-43 under 35 U.S.C. Section 101

as directed to non-statutory subject matter, as being inappropriate.

Claims Rejected Under 35 U.S.C. Section 102(e) (Minor et al.)

Claims 40-42 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Minor et al., US Patent Application Publication No. 2004/0019466. The Examiner asserted that the limitations of claim 1 are not read into claims 40-42 and that Minor et al. discloses a system capable of forwarding, transmitting and receiving data to and from remote locations.

Applicants respectfully traverse. Applicants respectfully submit that claims 40-42 depend from claim 1 and that therefore the recitations of claim 1 should be read into claims 40-42. To clarify this, claims 40-42 have been amended above so as to clearly depend from claim 1.

In view of the above remarks and amendments, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 40-42 under 35 U.S.C. Section 102(e) as being anticipated by Minor et al., US Patent Application Publication No. 2004/0019466, as being inappropriate.

Claims Rejected Under 35 U.S.C. Section 103 (Warrington et al. in view of Balaban et al. as evidenced by Byrd et al.)

Claims 1, 43 and 56 were rejected under 35 U.S.C. Section 103 as being unpatentable over Warrington et al, U.S. Patent No. 6,884,578 in view of Balaban et al., U.S. Patent No. 6,185,561 as evidenced by Byrd et al., U.S. Patent No. 5,826,260.

With regard to the recitation of a pseudo-data vector, the Examiner asserted that Balaban et al. discloses at col. 3, lines 5-11, the use of a query that selects data wherein the selected data has a preset positive value, and the on-selected data has a null or negative value, thereby calculating a pseudo-vector.

Applicants respectfully traverse. It is respectfully submitted that Balaban et al. does not disclose or suggest calculating a vector from data that is retrieved by the query.

Further, claims 1, 43 and 56 have been amended above to recite that the calculated pseudo-data vector has n values. It is respectfully submitted that none of the applied references teach or suggest the calculation of a pseudo-vector having n values.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1, 43 and 56 under 35 U.S.C. Section 103 as being

unpatentable over Warrington et al, U.S. Patent No. 6,884,578 in view of Balaban et al., U.S. Patent No. 6,185,561 as evidenced by Byrd et al., U.S. Patent No. 5,826,260, as being inappropriate.

Claims Rejected Under 35 U.S.C. Section 103 (Warrington et al. in view of Balaban et al. '561 as evidenced by Byrd et al. and further in view of Balaban et al. '501

Claims 2-5, 8-13, 17-20, 22, 44-47, 49-50 and 57-60 were rejected under 35 U.S.C. Section 103 as being unpatentable over Warrington et al, U.S. Patent No. 6,884,578 in view of Balaban et al., U.S. Patent No. 6,185,561 as evidenced by Byrd et al., U.S. Patent No. 5,826,260, as applied to claim 1 above, and further in view of Balaban et al., US Patent Application Publication No. 2003/0028501.

The Examiner admitted that Warrington et al. and Balaban et al. '561 do not teach the method of claim 2, but asserted that Balaban et al. '501 teaches a database of annotative data. The Examiner further asserted that paragraph [0071] of Balaban et al. '501 teaches that annotations can be user defined. The Examiner interpreted this to read on calculating a pseudo-vector from arbitrary data input from a user.

Applicants respectfully traverse. It is respectfully submitted that paragraph [0071] refers to an annotation screen where annotation types can be defined for display. Applicants do not find any disclosure or teaching in paragraph [0071] of calculating a pseudo-vector as claimed. Further, as noted above, claims 1, 43 and 56 have been amended to recite that the calculated pseudo-data vector has n values. It is respectfully submitted that Balaban et al. '501 clearly fails to teach, disclose or suggest calculation of a pseudo-vector having n values.

Applicants further traverse the Examiner's further assertions that the remaining claims would have been obvious in view of the cited references, even though the Examiner has admitted that many of the claimed features are not disclosed by any of the applied references.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 2-5, 8-13, 17-20, 22, 44-47, 49-50 and 57-60 under 35 U.S.C. Section 103 as being unpatentable over Warrington et al, U.S. Patent No. 6,884,578 in view of Balaban et al., U.S. Patent No. 6,185,561 as evidenced by Byrd et al., U.S. Patent No. 5,826,260, as applied to claim 1 above, and further in view of Balaban et al., US Patent Application Publication No. 2003/0028501, as being inappropriate.

Claims Rejected Under 35 U.S.C. Section 103 (Warrington et al. in view of Balaban et al. '561 as evidenced by Byrd et al. and further in view of Schadt et al.)

Claims 1 and 13-14 were rejected under 35 U.S.C. Section 103 as being unpatentable over Warrington et al, U.S. Patent No. 6,884,578 in view of Balaban et al., U.S. Patent No. 6,185,561 as evidenced by Byrd et al., U.S. Patent No. 5,826,260, as applied to claims 1 and 13 above, and further in view of Schadt et al., US Patent No. 7,035,739.

The Examiner admitted that Warrington et al., Balaban et al. '561 and Byrd et al. do not teach calculating a distance value between rows assigned a similarity value, wherein the calculation is a Euclidean distance. However, the Examiner asserted that Warrington et al. suggests this at column 27, lines 25-44. The Examiner further asserted that Schadt et al. teaches that a Euclidean distance is a well-know statistical method in the art, and that it would have been obvious to calculate a Euclidean distance or a squared Euclidean distance to manipulate data in the combined system as suggested by the Examiner.

Applicants respectfully traverse. Schadt et al. forms vectors from real location measurements. Schadt et al. does not teach or disclose calculation of a pseudo-data vector as claimed, or use of a pseudo-data vector to calculate its distance from another vector generated from a matrix of data values. Accordingly, it is respectfully submitted that the suggested combination of references would not meet all of the limitations of claims 1, 13 and 14.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1 and 13-14 under 35 U.S.C. Section 103 as being unpatentable over Warrington et al, U.S. Patent No. 6,884,578 in view of Balaban et al., U.S. Patent No. 6,185,561 as evidenced by Byrd et al., U.S. Patent No. 5,826,260, as applied to claims 1 and 13 above, and further in view of Schadt et al., US Patent No. 7,035,739, as being inappropriate.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 408-736-3554.

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The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10031032-1.

Respectfully submitted,

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